

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CASE NO. 5:22-CV-037-KDB-DCK**

<b>CINDY MICHELLE GARDNER,</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>TOWN OF MOORESVILLE, and</b>	)
<b>RUSSELL CLARK,</b>	)
	)
<b>Defendants.</b>	)
	)

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**ORDER**

**THIS MATTER IS BEFORE THE COURT** on Plaintiff's "Motion To Compel" (Document No. 6) filed May 24, 2022. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and ripe for review. Having carefully considered the motion and the record, the undersigned will deny the motion.

By the instant motion, Plaintiff seeks to compel the production of information related to an alleged incident involving Plaintiff and two unnamed police officers at an unidentified "community mental health service center" on May 18, 2022.

"Defendant's Response And Objection To Plaintiff's Motion To Compel" (Document No. 11) was filed on June 7, 2022. Defendants contend that the pending motion "is lacking in information sufficient to allow Defendants to properly investigate said allegations." (Document No. 11, p. 1). In addition, Defendants suggest that Plaintiff's motion is premature. (Document No. 11, p. 3).

Plaintiff has not filed a reply brief, or notice of intent not to reply, as required by Local Rule 7.1(e). Moreover, the pending motion does not appear to comply with Local Rules 7.1(b),

(c), or (d). The undersigned also notes that typically “Court-enforceable discovery does not commence until issues have joined and a Scheduling Order has been entered.” Local Rule 16.1(f).

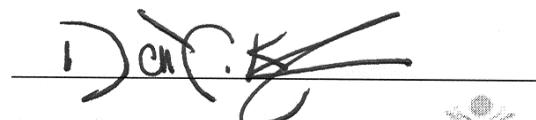
Based on the foregoing, the undersigned will deny Plaintiff’s “Motion To Compel” without prejudice to re-filing after proper consultation with opposing counsel and after a Scheduling Order has been entered in the case.

**IT IS, THEREFORE, ORDERED** that Plaintiff’s “Motion To Compel” (Document No. 6) is **DENIED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that counsel for the parties shall confer by some form of “live” communication, i.e. telephone, Zoom/Teams, or in person, to discuss Plaintiff’s requested discovery and to conduct an Initial Settlement Conference as directed by Judge Bell’s “Standing Order...” linked to the docket of this case on **April 5, 2022**.

**SO ORDERED.**

Signed: June 15, 2022

  
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David C. Keesler  
United States Magistrate Judge  
